

ORDINANCE RE: TECHNICAL STANDARDS

BE IT HEREBY ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF STONINGTON:

Section I. Short Title.

This Chapter shall be known as the “Technical Standards Ordinance for the Town of Stonington”.

Section II. General.

A. Purpose. The Town of Stonington shall establish uniform, comprehensive and distinct requirements which shall be applied to all developments. These requirements shall be established as “Technical Standards” and shall exist to provide clear development guidelines for all construction activity within the Town. These standards shall establish administrative and technical requirements for the implementation of land use regulations and shall provide the basis by which developments are evaluated to ensure compliance with Town regulations.

The Technical Standards are not intended to establish new land use regulations or levels of service provided by the Town. The Technical Standards shall be used by public officials and citizens in the planning and implementation of development projects within the Town and are intended to provide a service to citizens in this process. It is the intent of these standards to eliminate arbitrary, subjective, and independent decisions throughout the development process. These standards are also intended to provide flexibility and responsiveness to individual site characteristics and projects, and to encourage and support innovative development design solutions which meet or surpass the standards required by the Town through the establishment of minimum performance requirements. It is expected that the process established hereby will enable a dynamic and continuous improvement of the Town’s development activity.

B. Scope. All development activity within the Town of Stonington shall be subject to the administrative and technical application of the Technical Standards. The establishment of these standards is based strictly upon technical application of regulatory requirements. Any deviation from these standards shall be permitted only by adherence to the procedures established herein.

1. Regulatory Authority. Regulatory provisions are definitive and establish the basis for administrating the Technical Standards. The following regulatory functions must be established by legislative authority prior to administrative adoption of the Technical Standards:
 - a. Minimum levels of health, safety, public welfare and service provided by the Town;
 - b. Underlying basic principles which establish a definition of what activity is and is not allowed;
 - c. General principles which are subjective in nature;
 - d. Penalties and fines;
 - e. Local implementation of federal and state statutory requirements;

- f. Specific physical, social, economic, and environmental goals which are specified within each chapter of the standards.
2. Administrative Authority. The Technical Standards shall be established as an administrative function completely dependent upon regulatory authority. These standards shall be:
 - a. Based upon technical application of professional practices;
 - b. The basis for dimensional requirements, analytical functions, reporting, and documentation;
 - c. Specifically dependent upon legislative authority;
 - d. Detailed, instructional, objective, factual, and focused on specific issues;
 - e. The basis for establishing how a permitted activity is allowed or how a prohibited activity is avoided.

The preceding separation of legislative and administrative requirements shall be used to distinguish what shall be adopted as new regulation; what shall be amendments to existing regulation; and what requirements are administrative or technical in nature and, therefore, adopted as part of the development standards.

C. Applicability. All development activity shall be subject to the Technical Standards unless specifically exempted by these standards.

Section III. Adoption and Modifications.

A. Adoption and Major Modification. The Technical Standards shall be adopted through an administrative process conducted by the Board of Selectmen. The Technical Standards Review Committee (TSRC) identified in this section shall make recommendations to the Board of Selectmen based upon its review of a proposed update or major modification of the development standards. Upon completion of the review, the committee shall make recommendations to the Board of Selectmen, who shall, then, formally take action on all proposals for new chapters, sections, or major modifications. The Board of Selectmen shall not be limited in the number of modifications that can be made to these standards.

B. Integration of Development Standards. While each chapter of the development standards may be presented sequentially for final approval, the TSRC shall develop the chapters in a coordinated and integrated fashion, as the elements of any one chapter are to at least some extent dependent upon some elements of other chapters.

C. Minor Modifications. Minor modifications, those affecting procedural or reporting criteria, may be approved by the TSRC without formal action by the Board of Selectmen. Adequate public notice and official publication of these modifications shall be provided.

Section IV. Review Committee

A. Permanent Technical Standards Review Committee (TSRC). A Stonington Technical Standards Review Committee (TSRC) shall be established to review development standards prior to modification.

1. The TSRC shall be comprised of the following officials: WPCA Director, Director of Public Works, Director of Planning and Town Engineer.
2. TSRC – Duties. The TSRC shall review all provided standards and modifications and permit applications which propose project designs deemed by the technical administrator not be in strict compliance with the development standards to ensure:
 - a. Compliance with land use regulations and comprehensive plans;
 - b. Consistency with accepted professional practices;
 - c. Consistency with objectives through evaluation of technical and dimensional requirements.

Section V. Exemptions.

A. Exemptions to the Technical Standards shall be provided through regulatory provisions in the standards. Exemptions are allowed in order to recognize that there is a minimum level of impact below which it is not in the best interest of the Town to regulate development activities.

B. The creation of exemptions to the Technical Standards can occur only if the following criteria can be met:

1. Technical information exists to document that the exempted activity can comply with minimum performance requirements established by Town regulations;
2. The legislative intent of all Town regulations is strictly observed;
3. The exemption is consistent with federal, state, and local laws.

C. *Request for Technical Deviation* Procedure. Alternatives to any specific requirements of the development standards may be considered through *Request for Technical Deviation* procedure. The TSRC will be responsible for reviewing all applications for technical deviations to the development standards and shall be responsible for making a determination regarding the request. *Requests for Technical Deviations* to the Technical Standards will be issued upon receipt of technical documentation acknowledging that minimum performance requirements will be met.

1. The *Request for Technical Deviation* shall be in writing and state the nature of the Request, why the deviation is necessary and identify any adverse impacts. The request must also include an engineering analysis of the alternatives.
2. Criteria for technical deviation approval. The *Request for Technical Deviation* shall be signed and sealed by a professional engineer, and shall meet the following criteria:

- a. The technical deviation will not otherwise result in non-compliance with the Technical Standards Ordinance or any other applicable code;
 - b. The granting of the technical deviation will not result in non-compliance with development conditions imposed upon a project by any commission exercising jurisdiction in the Town;
 - c. The granting of the technical deviation will produce a compensating or comparable result that is in the public interest, and;
 - d. The granting of the technical deviation will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.
3. Any technical deviation request must be made to the Technical Standards Review Committee. The TSRC will establish minimum information requirements that shall be specified for each issue. No technical deviation shall be issued which shall have the overall impact of reducing safety standards or levels of service, or which will not comply with Town regulations.

Section VI. Appeals

- A. The applicant may appeal any final decision of the TSRC. The appeal shall be made to the Board of Selectmen.
- B. The Board of Selectmen shall have the authority to hear and decide, changes to any order, requirement, permit decision or determination made by the TSRC in administering the Technical Standards.
- C. An appeal must be filed in writing within 20 days of the action being appealed and the Town must make a final decision regarding this appeal within 60 days of the filing.

Section VII. Special Districts.

Special Districts. The development standards may identify or reference special districts, special management areas or subareas subject to individual, more restrictive standards. These districts shall be referenced specifically in each chapter and shall clearly be identified regarding the applicability of each requirement.

Section VIII. Enforcement.

The Department of Public Works shall be responsible for the enforcement of any prohibited activity covered by this ordinance. When it has been determined by the Department of Public Works that a violation has occurred it shall give notice to the operator to cease any such activity.

Section IX. Severability.

If any provision of this ordinance shall be held invalid, such invalidity shall not affect any other provisions of this ordinance that can be given affect without the involved provision and for this purpose the provisions of this ordinance are hereby declared severable.

This Ordinance shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a substantial circulation within the Town of Stonington.

Approved: September 21, 2011

Effective: October 11, 2011